

Circuit Court of the United States,  
District of Rhode Island.

Henry H. Norrington

vs.

In Equity.

Merchants National Bank.

And now, to wit, this *twenty first* day of  
*June*, 1886:-

This cause came on to be heard at the November Term, A.D. 1884, of this court, upon the pleadings and proofs, and was argued by counsel for the respective parties; and now, upon consideration thereof, it is ordered, adjudged, and decreed as follows, viz:

That the Letters Patent of the United States granted to Henry H. Norrington for an Improvement in Check-Books, No. 203,365, dated May 7, 1878, being the Letters Patent referred to in the bill of complaint, are good and valid:

That the said Henry H. Norrington was the ~~first~~, original and first inventor of the improvement in Check Books described and claimed in said Letters Patent, and that the title to the said Letters Patent is vested in the complainant, the said Henry H. Norrington.

That the defendant, the Merchants National Bank, has infringed the said Letters Patent and upon the exclusive rights of the complainant under the same.

And it is further ordered, adjudged, and decreed that the complainant do recover of the defendant, the said Merchants National Bank, the profits, gains, savings, and advantages which have accrued to, or been received by, the



advantages which have accrued to, or been received by, the

Merchants National Bank, the profits, gains, savings, and a

the complainant do recover of the defendant, the said Mer-

And it is further ordered, adjudged, and decreed that

rights of the complainant under the same.

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That the defendant, the Merchants National Bank, has

and, the said Henry H. Norrington.

title to the said Letters Patent is vested in the complain-

described and claimed in said Letters Patent, and that the

inal and first inventor of the improvement in Check Books

That the said Henry H. Norrington was the first, orig-

referred to in the bill of complaint, are good and valid;

No. 203,365, dated May 7, 1878, being the Letters Patent

to Henry H. Norrington for an improvement in Check-Books,

That the Letters Patent of the United States granted

and decreed as follows, viz:

now, upon consideration thereof, it is ordered, adjudged,

and was argued by counsel for the respective parties; and

A.D. 1884, of this court, upon the pleadings and proofs,

This cause came on to be heard at the November Term,

, 1884:-

And now, to wit, this day of

Merchants National Bank.

vs.

In Equity.

Henry H. Norrington

District of Rhode Island.

Circuit Court of the United States,



said defendant from the said infringement of said Letters Patent and the exclusive rights of the said complainant thereunder, and in addition thereto the damages the complainant has sustained thereby, together with the costs, charges, and disbursements in this suit to be taxed.

And it is further ordered, adjudged, and decreed, that the said defendant, its servants, agents, attorneys and workmen, and each and every of them, be, and they hereby are perpetually enjoined from directly or indirectly making use of or employing the invention or improvement described and claimed in said Letters Patent, No. 203,365, or any part thereof, and from directly or indirectly making, using, or vending to others to be used, any check-book or check-books, made in accordance therewith, and that a writ of injunction issue out of and under the seal of this court to the above effect.

And it having been made to appear to the court that the parties, in lieu of a reference to a Master to ascertain and report an account of profits and damages, have agreed that the number of infringing check-books of fifty checks, or less, each, made use of by the defendant, is fifty (50), and that the complainant has heretofore established and regularly charged a license or royalty fee of five (5) cents for each and every check-book of fifty checks or less embodying the invention and improvement set forth and claimed in said Letters Patent, and that the proper measure of the damages to be assessed herein is the license or royalty fee so established by the complainant, it is hereby ordered, adjudged, and decreed that the damages herein be assessed at the rate of five cents per book, the established royalty or license fee, for each and every book made use of by the defendant, and



said defendant from the said infringement of said letters

Patent and the exclusive rights of the said complainant

thereunder, and in addition thereto the damages the com-

plainant has sustained thereby, together with the costs,

charges, and disbursements in this suit to be taxed.

And it is further ordered, adjudged, and decreed, that

the said defendant, its servants, agents, attorneys and

workmen, and each and every of them, do, and they hereby are

perpetually enjoined from directly or indirectly making

use of or employing the invention or improvement described

and claimed in said Letters Patent, No. 203,362, or any

part thereof, and from directly or indirectly making, using,

or vending to others to be used, any check-book or check-

books, made in accordance therewith, and that a writ of

injunction issue out of and under the seal of this court

to the above effect.

And it having been made to appear to the court that

the parties, in lieu of a reference to a Master to ascertain

and report an account of profits and damages, have agreed that

the number of infringing check-books of fifty checks, or less,

each, made use of by the defendant, is fifty (50), and that

the complainant has heretofore established and regularly

charged a license or royalty fee of five (5) cents for each

and every check-book of fifty checks or less embodying the

invention and improvement set forth and claimed in said Letters

Patent, and that the proper measure of the damages to be

assessed herein is the license or royalty fee so established

by the complainant, it is hereby ordered, adjudged, and

decreed that the damages herein be assessed at the rate of

five cents per book, the established royalty or license fee,

for each and every book made use of by the defendant, and



that the defendant do accordingly pay to the complainant the sum of Two Dollars and Fifty Cents damages, together with the costs, charges, and disbursements in this suit, taxed at Two Hundred and thirty six dollars and twenty-nine cents.

*Entered as the decree of this Court per order thereof this 21<sup>st</sup> day of June AD 1886* *Samuel Pitman Clerk*

*Shurt & Coe*  
*Depts. Michigan*

*J F Thurston*

*Compt. a/c*



2745

A. H. Thompson

vs.

Merchants National Bank.

Final Decree.

Entered June 21<sup>st</sup> 1886

4

that the defendant do accordingly pay to the complainant the sum of Two Dollars and Fifty Cents damages, together with the costs, charges, and disbursements in this suit, taxed at Two Hundred and thirty six dollars and twenty-nine cents.

Subscribed and sworn to before me this 21<sup>st</sup> day of June, 1886. J. H. Thompson

Attest to the correctness of the foregoing

and the truth of the facts therein stated

Notary Public



"Complainant's Exhibit (Crandall)  
Assignment."

Att. Spec. Exam.

Newy Mornington

✓

Merchants Nat Bank

Complainant's Exhibit

"

Crandall Assignment



For and in consideration of the sum of One dollar to me in hand paid by Henry H. Norrington of West Bay City, Bay County, Michigan, I Frank Crandall late of Bay City, County and State aforesaid, but now of Detroit Wayne County State aforesaid do hereby sell, transfer and assign to the said Henry H. Norrington all my right title and interest in and to the Letters Patent of the United States, Number 203,265, dated May 7<sup>th</sup> 1878, and Letters Patent of the United States, Numbered 219,299, dated September 2<sup>nd</sup> 1879. Both Patents being issued to the said Norrington for improvements in Check Books.

I do also hereby transfer sell and assign to the said Henry H. Norrington all my right title and interest in and to a certain license granted by George E. Waring Junior of Newport Rhode Island to whom a patent was issued by the United States being No. 183,347 dated October 17<sup>th</sup> 1876, which said











Patent was reissued to the said George E. Waring, Jr. on the 23<sup>rd</sup> of April 1878, and numbered 8,199. Said License being from said Waring and Jemison P. Hall of Providence, Rhode Island, dated September 5<sup>th</sup> 1881, given to said Crandell and said Norrington also all my right title and interest in and to a memorandum of agreement amendatory to said License or Articles of Agreement and which is part of said License and a copy of which is hereto attached dated Dec. 10<sup>th</sup> 1881,

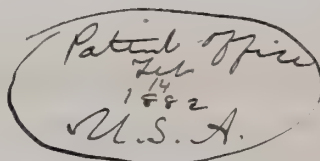
Now I the said Frank Crandell do hereby transfer, sell, assign and set over to the said Henry H. Norrington all my right title and interest in and to the above Patents and Licenses the same to be enjoyed and held by the said Norrington his heirs and assigns to the full end of the term for which said Letters Patent and said License or Licenses or agreement or mem-



orandum of agreement are granted  
and for any extensions or renewals  
of same as fully completely and  
entirely as the same would have  
been held and enjoyed by me if  
this assignment transfer and  
sale had not been made.

Dated this 18<sup>th</sup> day of January  
A.D. 1882

Witnessed by Frank Crandell. L.S.  
Hattie Whiting



Received for record February 14<sup>th</sup> 1882 and recorded  
in Liber T. 27, page 494, of transfers of Patents.

[L.S.]

In testimony whereof I have caused the  
seal of the Patent Office to be hereunto  
affixed.

E. M. Marble  
Commissioner

A true copy, attest:  
Augustus L. Miller,  
Special Examiner.



Complainants' Exhibit  
Norrington patent.

A. M.  
Spec. Exam.

H. H. Norrington,

No. 203,065,

May 7, 1878.

✓  
Check-Book.



# Bank-Check Book

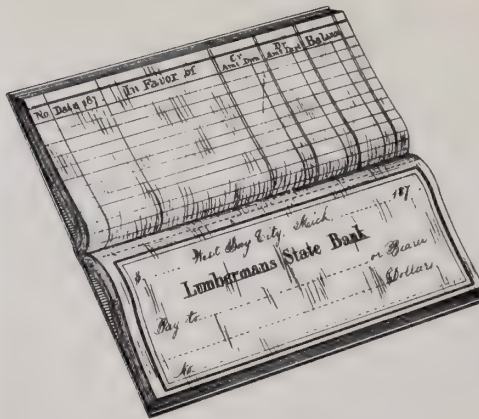
No. 203,365.

Patented May 7, 1878.

*Fig 1.*

[illegible]

*Fig 2.*



*Witnesses.*

Harry King  
O. Plow

*Inventor.*

Henry H. Norrington,  
By his Attorneys,  
Stansbury & Munn.



# UNITED STATES PATENT OFFICE.

HENRY H. NORRINGTON, OF WEST BAY CITY, MICHIGAN.

## IMPROVEMENT IN BANK-CHECK BOOKS.

Specification forming part of Letters Patent No. **203,365**, dated May 7, 1878; application filed February 1, 1878.

*To all whom it may concern:*

Be it known that I, HENRY H. NORRINGTON, of West Bay City, in the county of Bay and State of Michigan, have invented certain new and useful Improvements in Bank-Check Books; and I do hereby declare that the following is a full, clear, and exact description of my invention, which will enable others skilled in the art to which it appertains to make and use the same, reference being had to the accompanying drawings, and to letters of reference marked thereon, which form a part of this specification.

Figure 1 is a face view of a stubless check-book of my improved design, lying open and showing three checks to a page. Fig. 2 is a similar view of a stubless pocket check-book, having one check on a page.

The nature of my invention consists in a bank check, draft, or other book of a similar character, composed of a leaf marked or printed to form a blank for keeping a compact continuous record of the "No.," "Date," "In whose Favor," and "Amount" of each check as drawn, together with "Amount Deposited" and "Balance," followed by a number of leaves of blanks for bank-checks, equal in number, or nearly so, to the number of lines upon the leaf for keeping the record; these to be followed again, when desired, by another leaf marked or printed as before, and followed by another series of blank checks, the whole being then arranged and bound so that the leaf marked or printed for keeping the record shall always be directly opposite a bank-check leaf when the book is open.

The object of my invention is to produce a compact bank-check book without stubs or stub-leaves, that may be conveniently carried in the pocket; a book in which each and all the transactions for which it is used, as well as the condition of the bank account, may be in full view when each check is drawn; a book requiring a smaller amount of paper for its production, as well as one leaving a smaller portion of material remaining after the checks are taken out than any other now in use for a similar purpose.

The employment of the stub, or leaf corresponding to the same, as in ordinary check, draft, and other books of that class, involves

not only the use of an increased quantity of paper and printing over the plan I propose, thus making the books unnecessarily cumbersome and expensive, but it obliges the record of transactions to be made in a form in which the transactions, in detail, of the series to date cannot be consulted at a glance, each transaction being entered on a separate leaf.

About one-third of the paper in a common check-book is devoted to the stubs, and a separate form for the entry of each transaction has to be printed on each stub. To dispense with the stub or leaf opposite each check is therefore a saving in paper and printing and a diminution of about one-third in the size of the book.

The use of a summary or condensed record-index is a great saving of time and labor in consulting the individual entries, as well as in ascertaining the state of the bank or other account at any given time.

When the checks, drafts, &c., in a book have all been used, the condensed index of many books can be bound together, and will occupy but an insignificant fraction of the space which the stubs or leaves of each check of the same number of books would fill.

The invention is clearly illustrated in the drawings, in which A marks the index-page, and B the page on which the checks or other forms are printed. The index-leaves are inserted, at intervals between each series of checks, through the book, regulated by the number of lines on the page. If, for example, the index-page shown in Fig. 1 contain thirty-six lines, it will receive the record of the entries of twelve pages of checks in a book having three checks to a page; and at the end of every twelve pages a new index-leaf would be inserted. The blank forms of checks, with the blank form of index or indexes, are then bound together, as shown in Fig. 1, so that when the book is open for filling in a blank check in its order, this blank and the index-leaf showing the condition of the transactions up to the date of filling the check will be together.

In the pocket check-book shown in Fig. 2, the number of lines of the index corresponds with the number of pages of the book it would record.



The particular character of the record would vary in books of different kinds with the nature of the transactions for which the book was used, the special form shown in the drawing being intended merely as an illustration of the application of the invention to a depositor's bank-check book.

I am aware that a check-book provided with stub-sheets having stub-blanks on both sides thereof, secured between alternate pairs of two separate check-sheets, and the whole bound together at their ends, has been patented; but this I do not claim.

What I do claim is—

A check, draft, or other book of similar character made without stubs or stub-blanks, and consisting of a leaf marked or printed on one

side to form a blank for keeping a compact continuous record of the business to which the book relates, followed by a series of leaves of blank checks for use in connection with it, as shown and described, the whole arranged and bound, as shown and set forth, so that the index or condensed record, when the book is open, shall be opposite the check to be filled, as specified.

In testimony that I claim the foregoing as my own invention I affix hereto my signature in presence of two witnesses.

HENRY H. NORRINGTON.

Witnesses:

HENRY FENTON,  
JOHN C. WENDOCK.



Marangdon  
vs  
Merchants and Rev

Copy of  
Defendants Papers



STATE OF NEW YORK,  
City and County of New York.

At the City of New York aforesaid; I, RICHARD  
T. VAN BOSKERCK, having been appointed, *by*

*Counsel of Counsel*

to act as special examiner, to take the depositions  
of witnesses to be used at the final hearing in the case  
of *Henry H. Burroughs as Merchants*  
*National Bank* on the part of the  
*defendant* now pending in the Circuit Court  
of the United States, for the District  
of *Rhode Island* do hereby certify that the  
above-named witnesses *Oscar*

*Amogh* *was* were, by me, at the time and  
place in the foregoing record stated, duly sworn to  
testify the whole truth, and the said depositions  
~~was~~ taken by me in writing in the presence of the  
respective witnesses, and when completed signed by  
said witnesses. That the *Conf* had due  
notice of the time and place where said depositions  
would be taken.

And now at the conclusion of said examination  
the said original depositions ~~are~~ by me transmitted  
to the clerk of said Court duly authenticated by my  
signature.

*R. T. Van Boskerck*  
Special Examiner.



Wednesday 11/1/79  
L. J. [unclear]

United States of America, }  
 District of Rhode Island }

I, Augustus S. Miller, a Special Examiner duly appointed by agreement of parties to take testimony under and pursuant to the 67<sup>th</sup> Rule of the Supreme Court of the United States, in Equity, as amended, to be used in said cause, which evidence is hereto ~~perfected~~, do hereby certify, that on the 10<sup>th</sup> and 17<sup>th</sup> days of May A.D. 1884 said Joseph A. Miller personally appeared before me at my office No. 26 Westminster Street in Providence, in said District of Rhode Island, and was by me first duly cautioned and sworn to testify the truth, the whole truth and nothing but the truth, and was then carefully examined; and said witness did thereupon depose as appears in the foregoing deposition which was reduced to writing by me in his presence, and read over to said witness and by him signed as and for his deposition in my presence.

I further certify that I am not of Counsel or attorney to either of the parties in said cause, nor in any way interested in the event thereof.      attest:

Examiner's Fees  
 \$16.50-

Augustus S. Miller,  
 Special Examiner



No 2045

Henry H. Worthington

vs

Merchants National Bank

Opinion of Court.

of infringement by holding together the record leaves and blank checks by other well-known means.

A decree must be entered for the complainant.





1  
Circuit Court of the United States  
District of Rhode Island

In Equity

Henry H. Norrington

v.

Merchants National Bank

Opinion of the Court  
September 1885

Colt J. This bill in equity is brought for alleged infringement of letters patent granted to the complainant, dated May 7, 1878, and numbered 203,365, for improvement in bank check books. The ~~Norrington~~ invention is adapted especially to pocket check books.

In a check book it is necessary





that there should be some provision for keeping a record of the checks drawn, of the amounts deposited and the balance on deposit, in order that the user may always have at hand a full and accurate account of his transactions with the bank.

A pocket check book commonly contains but one check to a page. Formerly the record of checks and deposits was usually made by constructing each check with a stub at its rear end, from which stub the check was torn when used.

The first improvement to which we are referred appears in the Waring patent. In the Waring check book two checks are folded over upon each stub sheet which is of the same size as the checks. Upon one





side of the stub sheet is kept a record of the two checks drawn and upon the other side an account of the deposits made and balance in the bank.

A disadvantage attending the use of the Waring book arises from the fact that the two checks being folded down upon the stub sheet renders it necessary, in order to obtain access to one side of such stub sheet at any time before both checks have been torn out, to fold out the superimposed check or checks and afterwards to fold the same back into place.

It seems also that the book owing to its construction is quite expensive.

The next improvement in this class of check books is contained in the Johnson Patent. In the Johnson





hook the unfolding and refolding of the checks is avoided. The checks are not secured to and folded over upon the stub sheets, but both the stub sheets and the check blanks are bound together at their ends, the whole being arranged so that two check blanks are interposed between each pair of stub checks.

Both Waring and Johnson employ a stub blank substantially like that of an ordinary check book, and the stub sheet employed requires to be used on both sides in order to keep a full record of all transactions with the bank.

In the complainant's patent we find employed a record sheet adapted to keep on one side a complete, compact and continuous record of all transactions with the bank, and so arranged





in reference to the check blanks to be used therewith, that the condensed record shall always be in sight when each check is filled.

The claim of the patent is as follows:

"A check, draft, or other book of similar character, made without stubs or stub-blanks and consisting of a leaf marked or printed on one side to form a blank for keeping a compact, continuous record of the business to which the book relates, followed by a series of leaves of blank-checks for use in connection with it, as shown and described, the whole arranged and bound, as shown and set forth, so that the index or condensed record, when the book is open, shall be opposite the check to be filled, as specified."

Upon inspection it is clear that neither the ordinary check book, nor the improvements of Waring and Johnson contain the special features found in the Norrington patent.

The defendant's check book consists of a cover with pockets. Within this cover a pad of check-blanks is secured by inserting a pasteboard lip attached thereto into one of the pockets of the





cover, and opposite to these check-blanks are secured the requisite number of record sheets, by inserting a similar paste-board life, to which they are attached into the opposite pocket. It is obvious that this book is made without stub or stub blanks, ~~and~~ that it has in place thereof a record sheet for keeping a compact, continuous record of the business with the bank; that it has a series of blank checks for use in connection with such record sheet, and that the record sheet and checks are arranged so that the record when the book is open is opposite the check to be filled.

The fact that in the defendants' check book the record sheets are not interposed between series of check leaves, but bound together separately, and that the record



leaves and check blanks are not permanently bound together, will not relieve the defendant from the charge of infringement. These are unimportant differences in construction. In defendant's check book we find a record sheet like the Norrington patent, and a series of blank checks for use in connection therewith. By the language of the claim the record leaves and blank checks are arranged and bound so that the index or condensed record, when the book is open, shall be opposite the check to be filled. This we also find in defendant's book. The manner of binding is immaterial. There is nothing in the specification or claim which limits the Norrington book to any particular form of binding, and the defendant cannot escape the charge



2748

U.S. Circuit Court  
Eastern Dist. of Mich.  
In Equity

Frank Condit

vs  
The Merchants & Manufacturers  
Nat. Bank

1

Copy of Answer

1

CITY OF DETROIT  
COUNTY OF WAYNE-SS  
STATE OF MICHIGAN

THEODORE H. HINCHMAN BEING DULY SWORN SAYS I AM  
PRESIDENT OF THE MERCHANTS AND MANUFACTURERS NATIONAL BANK, THE  
DETROIT, MICHIGAN. I HAVE READ THE AFFIDAVIT SUBSCRIBED  
AS SUCH PRESIDENT, AND I KNOW THE CONTENTS THEREOF AND THAT THE  
SAME ARE TRUE EXCEPT SUCH MATTERS AS ARE THEREIN STATED ON INFORMA-  
TION AND BELIEF AND AS TO SUCH MATTERS HE VERILY BELIEVES IT TO BE  
TRUE.

T.H.HINCHMAN

SUBSCRIBED AND SWORN TO BEFORE  
ME THIS 30TH DAY OF JULY 1881.

F.MARVIN

NOTARY PUBLIC

WAYNE CO. MICH.

FILED IN CLERK'S OFFICE, AUGUST 1ST. 1881





CHECK-BOOKS WHICH EMBODY THE ALLEGED INVENTION, DESCRIBED AND CLAIMED IN AND BY THE SAID NORRINGTON PATENT, ON WHICH THIS SUIT IS BROUGHT.

AND THIS DEFENDANT FURTHER DENIES, THAT IT IS NOW AND EVEN WAS THREATENED TO MAKE LARGE QUANTITIES OF THE BANK CHECK-BOOKS, FOR THE SALE OF WHICH THIS SUIT IS BROUGHT, AND TO SUPPLY THE MARKET THEREWITH AND TO SELL THE SAME.

AND THIS DEFENDANT DENIES, THAT IT HAS DONE ANY WRONG OR INEQUITABLE ACT WHATSOEVER IN THE PREMISES.

ALL OF WHICH MATTERS AND THINGS THIS DEFENDANT IS READY, WILLING AND ANXIOUS TO AVER, MAINTAIN AND PROVE AS THIS HONORABLE COURT SHALL DIRECT AND HUMBL Y PRAYS TO BE HENCE DISMISSED WITH ITS REASONABLE COSTS AND CHARGES IN THIS BEHALF SUSTAINED, AND AS IN DUTY BOUND WILL EVER PRAY &C.

THE MERCHANTS & MANUFACTURERS  
NATIONAL BANK  
BY T H. HINCHMAN, PRESIDENT

H. L. BAKER

SOLICITOR ~~OF~~ FOR THE DEFENDANT  
WETMORE JENNER & THOMPSON,  
OF COUNSEL.



BY JOSEPH A. MILLER OF THE CITY OF PROVIDENCE, RHODE ISLAND AT SAID PROVIDENCE AND ELSEWHERE,

BY JENNISON C. HALL AND BUGBEE, BOTH OF SAID PROVIDENCE, AND DOING BUSINESS AT SAID PROVIDENCE AS BUGBEE AND HALL, AT SAID PROVIDENCE AND SAID CITY OF NEW YORK, AND ELSEWHERE, AND BY THE EMPLOYEES OF SAID BUGBEE AND HALL, WHOSE NAMES AND PLACES OF PRIOR KNOWLEDGE AND USE ARE AT PRESENT UNKNOWN TO THE DEFENDANT, AND IT PRAYS LEAVE TO INSERT THE SAME HEREIN BY AMENDMENT WHEN TO IT KNOWN

AND THAT THE SAME THING IN ALL MATERIAL AND ESSENTIAL RESPECTS BOTH OF CONSTRUCTION, ARRANGEMENT AND MODE OF OPERATION, WERE FULLY SET FORTH, DESCRIBED AND PUBLISHED IN THE FOLLOWING LETTERS PATENT AND PUBLICATION LONG PRIOR THEREOF BY SAID NORRINGTON, TO-WIT; IN THE SEVERAL FOLLOWING UNITED STATES LETTERS PATENT GRANTED TO GEORGE E. WARRING JR, DATED THE 17TH DAY OF OCTOBER 1876, NUMBERED 183847, GRANTED TO MILTON C. JOHNSON MAY 29. 1877, NO. 191436.

GRANTED TO BEN MORSE ON THE 7TH DAY OF DECEMBER 1875 NUMBERED 170900.

GRANTED TO JOHN M. SAVIN DATED DECEMBER 21. 1875. NUMBERED 171.429.

AND IN THE FOLLOWING ENGLISH LETTERS PATENT AND PROVISIONAL PROTECTIONS THEREFOR TO-WIT;

GRANTED TO NICHOLAS DAWSON DECEMBER 21. 1858. NO. 2918.

GRANTED TO JAMES BRACE SEPT. 1. 1860. NO. 1092.

GRANTED TO JOHN OLDFIELD, BRADLEY & REUBEN FIELDING MAY 3RD. 1864. NO. 1109.

IT DENIES THAT IT IS TRUE THAT THE COMPLAINANT HEREIN IS THE SOLE AND EXCLUSIVE OWNER OF SAID LETTERS PATENT OF NORRINGTON NO. 208.365 AND THE ALLEGED INVENTION THEREIN SET FORTH AND CLAIMED AND IT DENIES THAT THE PUBLIC GENERALLY HAVE ACKNOWLEDGED AND ACQUIESCED IN THE ALLEGED RIGHT OF THE SAID COMPLAINANT IN THE PREMISES.

AND THIS DEFENDANT AVERS AND CHARGES THE FACT TO BE THAT THE CHECK BOOKS FOR THE SALE OF WHICH IT IS HERE SUED WERE SOLD BY THE UNDER AUTHORITY OF THE REISSUED LETTERS PATENT OF SAID GEORGE E. WARRING JR, DATED APRIL 23. 1875. AND NUMBERED 8199, WHICH IS A REISSUE OF THE SAID WARRING PATENT DATED OCTOBER 17TH. 1876. NO. 183.347.

AND IT FURTHER AVERS AND CHARGES THE FACT TO BE THAT THE STATE OF THE ART BEING AS SET FORTH IN THE SAID WARRING ORIGINAL LETTERS PATENT AT THE TIME OF SAID NORRINGTON'S INVENTION, IN OR ABOUT THE SAID ALLEGED INVENTION SET FORTH AND CLAIMED IN THE PATENT HEREIN IN SUIT AND THAT THE SAID PATENT IS NULL AND VOID THEREFOR.

AND IT FURTHER AVERS AND CHARGES THE FACT TO BE THAT THE SAID ALLEGED INVENTION IS NOT NEW AND USEFUL AND THAT SAID PATENT ON WHICH THIS SUIT IS BROUGHT IS THEREFORE NULL AND VOID.

THIS DEFENDANT IS IGNORANT HOW MUCH MONEY THE COMPLAINANT HEREIN HAS SPENT IN OR ABOUT THE SAID ALLEGED INVENTION OF NORRINGTON, AND HOW MUCH IT HAS RECEIVED THEREFROM, AND LEAVES THE COMPLAINANT TO MAKE SUCH PROOF THEREOF AS IT MAY BE ADVISED.

THIS DEFENDANT DENIES THAT IT HAS EVER MADE ANY CHECK-BOOKS WHATSOEVER; AND IT FURTHER DENIES THAT IT HAS EVER USED OR SOLD ANY





UNITED STATES CIRCUIT COURT  
EASTERN DISTRICT OF MICHIGAN

IN EQUITY

FRANK CRANDELL

VS

THE MERCHANTS AND MANUFACTURERS

NATIONAL BANK. THEODORE H.

FINCHAM, PRESIDENT.

TO THE HONORABLE THE JUDGES OF SAID COURT.

THIS DEFENDANT SAVING AND RESERVING UNTO ITSELF ALL AND ALL MANNER OF BENEFIT AND ADVANTAGE THAT MAY, OR CAN BE HAD OR TAKEN TO THE MANIFOLD ERRORS, UNCERTAINTIES, INSUFFICIENCIES, IMPERFECTIONS IN THE COMPLAINANT'S BILL OF COMPLAINT CONTAINED FOR ANSWER THEREUNTO OR UNTO SO MUCH AND SUCH PARTS THEREOF AS IT IS INFORMED IS MATERIAL OR NECESSARY FOR IT TO MAKE ANSWER UNTO ANSWERING SAYS:

ON INFORMATION AND BELIEF ALONE IT ADMITS THAT LETTERS PATENT OF THE UNITED STATES WERE ON THE 7TH. DAY OF MAY 1878. GRANTED UNTO HENRY H. NORRINGTON FOR AN ALLEGED IMPROVEMENT IN BANK CHECK BOOKS NUMBERED 203.205 BUT IT DENIES THAT THE SAID NORRINGTON, WAS THE ORIGINAL AND FIRST INVENTOR OF SAID ALLEGED IMPROVEMENT AND ALSO IT DENIES THAT THE PROCEEDINGS BEFORE THE UNITED STATES PATENT OFFICE UPON WHICH THE SAID PATENT WAS OBTAINED WERE IN COMPLIANCE WITH THE THEN EXISTING ACTS OF CONGRESS IN SUCH CASE MADE AND PROVIDED, AND IT AVERS THAT THE SAID LETTERS PATENT ARE NULL AND VOID BY REASON THEREOF.

IT IS IGNORANT SAVE AS INFORMED BY THE BILL OF COMPLAINT HEREIN WHETHER OR NOT THE SAID ASSIGNMENT ALLEGED TO BE DATED THE 3RD. DAY OF JUNE 1881, FROM THE SAID NORRINGTON TO THE COMPLAINANT HEREIN WAS EVER IN EXISTENCE AND IF SO WHETHER OR NOT IT WAS A DULY DRAWN, EXECUTED, DELIVERED AND RECORDED INSTRUMENT IN WRITING, AND IT LEAVES THE COMPLAINANT TO MAKE SUCH PROOF THEREOF AS HE MAY BE ADVISED.

IT DENIES THAT THE SAID NORRINGTON WAS THE ORIGINAL AND FIRST INVENTOR OF SAID ALLEGED IMPROVEMENT BUT ON THE CONTRARY THEREOF IT AVERS AND CHARGES THE FACT TO BE THAT LONG PRIOR TO THE DATE OF THE ALLEGED INVENTION THEREOF BY THE SAID NORRINGTON, THE SAME THINGS IN ALL MATERIAL AND ESSENTIAL RESPECTS BOTH OF CONSTRUCTION ARRANGEMENT AND MODE OF OPERATION WERE WELL AND PUBLICLY KNOWN TO AND USED BY THE FOLLOWING NAMED PERSONS AT THE FOLLOWING PLACES.  
BY WILLIAM A. LELAND OF PHILADELPHIA STATE OF PENNSYLVANIA AT SAID PHILADELPHIA AND ELSEWHERE.

BY BEN MORSE OF ITHACA NEW YORK, STATE, AND SAID ITHACA AND ELSEWHERE. BY JOHN M. SAVIN OF BALTIMORE STATE OF MARYLAND, AT SAID BALTIMORE AND ELSEWHERE.

BY GEORGE E. WARING JR, AT NEWPORT RHODE ISLAND AT SAID NEWPORT AND AT THE CITY OF NEW YORK AND ELSEWHERE.

BY MILTON C. JOHNSON, OF THE SAID CITY OF NEW YORK, AT SAID NEW YORK AND ELSEWHERE.

AND BY THE EMPLOYEES OF SAID MILTON C. JOHNSON, WHOSE NAMES ARE AT PRESENT UNKNOWN TO DEFENDANT BUT IT PRAYS LEAVE TO INSERT THE SAME HEREIN. BY AMENDMENT WHERE TO IT KNOWN

BY WILLIAM MANN AND JOSEPH D. MANN, BOTH OF PHILADELPHIA PENNSYLVANIA, AND BY BOTH AT SAID PHILADELPHIA AND ELSEWHERE.

1746  
U. S. Circuit Court  
Rhode Island District

Henry H. Worthington

No

Merchants National  
Bank

Notice of Appearance

I just have  
left below

Filed in books office  
Circuit Court March 3<sup>rd</sup> 1883

W. F. Fennell  
Clerk



United States Circuit Court  
Rhode Island District  
In Equity

---

Henry H. Harrington  
Complainant  
against  
Merchants National Bank

Defendant

---

Henry Pitman Esq  
Clerk &c

Please take notice that  
we hereby appear as Solicitors for the  
defendant in the above suit and request  
you to enter our appearance in your  
Office as such Solicitors  
Dated March 2<sup>d</sup> 1883

Yours &c  
Thos Hove  
Defendants Solicitors

Henry A. Harrington  
v  
Merchants National Bank

Commissaries Petition  
or  
Depositions

depone as appears in the foregoing depositions, which were reduced to writing in their presence and read over to said witnesses and by them signed as and for their deposition in my presence.

I further certify that I am not of counsel or attorney to either of the parties in said cause, & nor in any way interested in the event thereof.

Attest:

Augustus S. Miller,  
Special Examiner.





United States of America }  
District of Rhode Island }

I, Augustus S. Miller, a special  
Examiner duly appointed by agree-  
ment of parties to take testimony  
under and pursuant to the 67<sup>th</sup>  
Rule of the Supreme Court of  
the United States, in Equity, as  
amended, to be used in said  
cause, which evidence is  
hereto prefixed, do hereby certify,  
that on the days hereinbefore  
mentioned, viz, the 6<sup>th</sup> day of August  
1883 and the 17<sup>th</sup> day of September  
1883 said Jennison C. Hall,  
John W. Vernon and Joseph A.  
Miller personally appeared  
before me at the office of  
Thurston, Ripley & Co. No. 26 West-  
minster street in Providence in  
said District of Rhode Island,  
and were by me first duly  
cautioned and sworn to testify  
the truth, the whole truth and  
nothing but the truth, and  
were then carefully examined;  
and said witnesses did thereupon





Circuit Court of the United States  
District of Rhode Island.

Henry H. Varrington }  
vs } In Equity  
Merchants National Bank } vs.

It is hereby stipulated and agreed  
by and between Counsel for the respective  
parties that Augustus S. Miller,  
of Providence, R. I., may be appointed  
by the Court to act as a Special  
Examiner to take testimony in  
the above entitled cause under  
and pursuant to the Fifty-seventh  
Rule of the Supreme Court of the  
United States in Equity, as amended.

Wilmarth H. Thurston

For Complainant.

Test + Sub

Left Solicitors

Edw. J. of Rhode Island &c,  
Providence February 13. 1883

That this day I have this with me the Merchants  
National Bank & within signed by reading the same  
to John H. Hume Cashier & by delivering to him  
usually a true & attested copy of this with

Service 2 00,  
Copy to 1 00  
3 00

J. H. Coggeshall  
V. Hume

Subpoena  
Henry H. Norwington  
Merchants National Bank

Benj. F. Hume  
Comptroller

Adm'd Feb'y 13 1883  
Returnable March 5

Rhode Island District, sc.

The President of the United States of America.

To the Merchants National Bank, a National  
Banking Association duly organized and  
vested with corporate powers under and pursuant  
to the Act of Congress of the United States, and  
located and doing business at the City of Providence  
in the State of Rhode Island, and a citizen of  
said State of Rhode Island

GREETING.

For certain causes offered to our Circuit Court for the first Circuit within and for the  
Rhode Island District. In Chancery. We hereby command and strictly enjoin you and  
each of you that laying aside all other matters and things and notwithstanding any other  
excuse you and each of you personally appear at the Clerk's office of said Court in Provi-  
dence, on Monday the *fifth* day of *March* next, being the Rule  
Day of said Court, and then and there full, true and perfect answer make upon your several  
corporal oaths to the Bill of Complaint of *Henry N Norrington*

*of West Bay City, in the County of Bay and  
State of Michigan, and a citizen of said  
State of Michigan*

now filed of record in the Clerk's office of said Court and to do and receive whatever our  
said Court shall order against you, in the premises in this behalf: and hereof fail not under  
the pains and penalties that may accrue in consequence of neglect thereof.

And the Marshal of said Rhode Island District, or his Deputy, is hereby commanded  
to make service of this Writ by reading the same to the said *proper officer*  
*or officers of said Banking Association*

or by leaving a true and attested copy hereof at their several last and usual places of abode  
twenty days before the Rule Day aforesaid.

Witness the Hon. ~~Roger B. Taney~~, our Chief Justice at Providence, this

*13* day of *February* A. D. 18*83*

*Henry N. Norrington*  
!

Clerk.

MEMO. The appearance of the Respondents in the suit is to be entered in the Clerk's  
office on or before the return day of this Writ, otherwise the Bill may be taken *pro confesso*  
as against those not appearing.



1815

Norington  
for  
Merchants Nat Bank

Warrington  
vs  
Merchants National FROST AND COE,  
Bank

Counselors at Law and Advocates in Patent Causes.

No. 24 PARK PLACE.

No. 19 BARCLAY ST

LOUIS W. FROST,  
CHARLES G. COE.

New York, April 27 1883

Henry Pitman Esq

Dear Sir:

Enclosed please find  
answer in above suit together with 50<sup>cts</sup>  
for filing same - After filing please  
notify us so that we can make proper  
entry.

The complainant's Solicitor B. S.  
Thurston Esq kindly extended our  
time to file the answer until Apr 30/83

Yours truly  
Frost & Coe

Circuit Court of the United States.

FOR THE

District

of Rhode Island

Henry H. Verrington

vs.

In Equity.

Merchants National  
Bank.

REPLICATION.

Filed in Clerk's office  
Concord Newbury 1<sup>st</sup> 1853

Attest Clerk

3

BENJ. F. THURSTON,

Complainant's Solicitor.



REPLICATION.

Circuit Court of the United States.

For the \_\_\_\_\_ District of *Rhode Island*

In the *First* Circuit.

*Henry C. Harrington*

vs.

*In Equity.*

*Merchants National  
Bank.*

The replication of the above-named complainant...to the \_\_\_\_\_  
answer of the above named defendant...

This repliant...saving and reserving to *himself*, now and at all *times*  
hereafter, all and all manner of benefit and advantage of exception which may be had  
or taken to the manifold insufficiencies of said \_\_\_\_\_ answer, for  
replication thereunto, say *s.*, that *he* will aver *—*, maintain and prove *his —*  
bill of complaint to be true, certain and sufficient in law to be answered unto; and  
that the said \_\_\_\_\_ answer of the said defendant...is uncertain, untrue  
and insufficient to be replied unto by *this* repliant...; without this, that any other  
matter or thing whatsoever in the said \_\_\_\_\_ answer contained, material  
or effectual in the law to be replied unto, and not herein and hereby well and suffi-  
ciently replied unto, confessed and avoided, traversed or denied, is true; all which  
matters and things *this* repliant... *is —* and will be ready to aver, main-  
tain and prove as this Honorable Court shall direct, and humbly pray *s.* as in and  
by *his —* said bill... *he* has already prayed *—*

*B F Harrington*

Solicitor for complainants.

2045  
U.S. Circuit Court  
District of Rhode Island

Henry H Norvinston

vs

Merchants National  
Bank

Answer

Trust Sloe  
Left Solicitors  
24 Park Place  
New York

Filer in Clerks Office  
Circuit Court April  
28' 1883  
Henry Stanton

2





the foregoing answer by him subscribed  
 and knows the contents thereof and  
 that the same are true <sup>of his own knowledge</sup> except as to  
 those matters therein stated to be alleged  
 on information and belief and as to  
 those matters he believes it to be true

Subscribed and sworn

to before me this 26<sup>th</sup>

day of April 1883

Royal C. Taft

John C. Purkis  
 Notary Public

Complaint contained, except as heretofore specifically admitted or denied.

And this defendant submits to this Honorable Court that the defendant has no right to any other or further Answer to the said Bill of Complaint than is heretofore contained, and no right to any accounting, discovery, injunction, or other relief prayed for in said Bill of complaint and it prays to be hence dismissed with its reasonable costs and charges in this behalf most wrongfully sustained

*The Merchants National Bank  
by Royal C. Taft Esq.*

Most Hon

Defendants Solicitors

24 Park Place

N.Y. City. N.Y.

District of Rhode Island }  
City of Providence }  
County of Providence }  
Royal C. Taft

the President of the Merchants National Bank the defendant herein being duly sworn deposes and says, that he has read

and claimed in said Letters Patent No 203.365 the same and the material and substantial part or parts thereof and the principles and combinations involved therein were not patentable and that therefore the said Letters Patent No 203.365. were and are null and void.

And this defendant further answering and as a further and separate defence denies that it has infringed upon the alleged rights of the complainant in any manner or way, but on information and belief alleges that in the use of said bank check books, <sup>which</sup> it has used and which bank check books it is informed are claimed by the complainant as an infringement of his Letters Patent No 203.365, the said defendant is justified for the reason that the said bank check books consisting of a cover with two pockets holding <sup>sets of</sup> detachable blanks and account leaves to be filled up was old, well known and the common property of the People of the United States long prior to the alleged invention of said Norrington

And this defendant further answering on information and belief denies each and every other allegation in said Bill of



of Columbia, at said Washington

The firm of Hooper, Lewis & Company and employees of said firm residing and doing business at the City of Boston, State of Massachusetts at said City and elsewhere in the United States.

Rid Gould, James Purcell J. Leach  
E. A. Justice A Tostevin — and Charles  
M. Harrison, and the firms of Willy Wallack & Co.  
C. H. Clayton & Sons, Nathan Lane & Sons,  
James & Samuel Kiggins, Jackson & Co.  
and employees of said firms residing and  
doing business at the City of New York, at  
said City and elsewhere in the United States

W. A. Palmer, B. Lawrence and P.  
Lawrence also residing and doing business at  
said City of New York

and to many other persons whose names are  
at present unknown to this defendant but the  
names of whom when known this defendant  
prays leave to insert and plead in this its  
answer with the same force and effect  
as if now inserted in the pleading and  
answer.

And this defendant further answering  
and as a further and separate defense answering  
says, that in view of the state of the art and  
at the time of the alleged invention described



described and claimed in said Letters Patent No 203.365. the same and every material and substantial part or parts thereof were publicly known, used and sold by various persons in the United States and among the persons who had such prior knowledge and who so publicly used and sold the same were the following named persons and the places where they so knew of, used or sold the said invention of said Novington are as follows:

Ben Morse residing at Ithaca, State of New York at said Ithaca and elsewhere in the United States.

George C. Waring Jr. residing at <sup>Newport</sup> Newport, Rhode Island at said <sup>Newport</sup> Rhode Island and elsewhere in the United States.

William Mann, Joseph H. Mann and William A. Leland all residing at the City of Philadelphia and elsewhere in the United States.

John H. Savin and the firms of Cushings and Bailey and Gugenheimer Weil, and employees of said firms residing and doing business at the City of Baltimore. State of Maryland at said Baltimore.

The firm of William Ballantine & Co. and employees of said firm residing and doing business at the City of Washington, District

Granted to Nicholas Lawson December 2<sup>nd</sup> 1858. No 2418.

Granted to James Brine September 1<sup>st</sup> 1850.  
No 1442.

Granted to Bradley and Reuben Tilling May 3<sup>rd</sup> 1864 No 1109.

Used in a certain printed publication or trade pamphlet entitled "Trade Catalogue of Henry Penny's Metallic Memorandum books and Wallets" dated November 1<sup>st</sup> 1873 and printed at <sup>or</sup> about that date and circulated among the stationery trade since that time, both in this Country and England and prior to said Worthington's alleged invention and especially as shown and described at pages 14. 15. 16. 17. 18. 19. and 20 of said printed publication.

And in many other printed books, publications and patents, which <sup>at present</sup> are unknown to this defendant, but which when known this defendant purports to insert and plead in this its answer with the same force and effect as if now inserted and pleaded.

And this defendant further answering on information and belief, and as a further and separate defence, says, that long prior to the supposed or any invention or alleged discovery of the alleged Improvement in bank check books

Patent of the United States, No  
 168,796, dated October 11<sup>th</sup> 1875 granted to  
 A. V. S. Smith for Improvement in Books  
 and Covers. No 170,686 dated December 6.  
 1875 granted to Ben Morse for Improvement  
 in books & covers No 171,429 dated December 21<sup>st</sup>  
 1875 granted to John M. Savin for Improve-  
 ment in Tickets No 183,347 dated October  
 17<sup>th</sup> 1876 granted to G. Waring Jr. for  
 Improvement in Pocket Check Books and  
 in Reissued Letters Patent No 8199 dated  
 April 23<sup>rd</sup> 1878 purporting to be a Reissue  
 of said original Letters Patent No 183,347.  
 No 184,094 granted to Charles A. McGill  
 November 7<sup>th</sup> 1876 for Improvement in Books  
 and covers. No 190,269. granted May 1<sup>st</sup>  
 1877 to W. B. Linn for Improvement in  
 books and covers. No 191,436 granted to  
 Milton C Johnson May 29<sup>th</sup> 1877 for Im-  
 provement in Bank Check Covers.  
 No 193,036 dated July 10<sup>th</sup> 1877 to J Reynolds  
 for Improvement in Books and covers

And the following English <sup>Letters</sup> Patents and pro-  
 visional specifications

And this defendant further answering on information and belief denies that the alleged ~~invention~~ of said Letters Patent is of great utility and that the public have generally ~~been~~ <sup>been</sup> misled as to the validity of said Letters Patent and as to the information and belief, the alleged value and utility of said Letters Patent as alleged in the Bill of Complaint herein.

And this defendant further answering on information and belief and as a further and separate defense denies that the said Henry H. Norwington was and that he now is the original and first Inventor of the alleged Improvement in Bank Check Books described and claimed in said Letters Patent No 203,365 or of any material or substantial part or parts thereof, or of the principle or of any of the combinations involved therein, but on information and belief that the same and the material and substantial part <sup>or</sup> parts thereof and the principles and combinations involved therein were described in various printed publications and Letters Patent, published long prior to the supposed or any discovery thereof by the said Henry H. Norwington, and among others in the following

13



12  
of May 1878, but whether or not said Letters Patent were had in regard to the application for said Letters Patent and whether or not said Letters Patent were duly signed and executed with the formality of law as required in such cases and as set forth in the Bill of Complaint herein, this defendant has no knowledge save and except from the Bill of complaint here and therefore denies the same, but on information and belief denies that the issue of said Letters Patent No 503,365 to said Henry H. Norvington vested in him the exclusive right alleged in said Bill of complaint.

And this defendant further answering on information and belief that it has no knowledge or information save from the Bill of complaint herein, as to whether or not the alleged rights in said Letters Patent were subsequent to the alleged grant thereof to said Norvington assigned as set forth in said Bill and thereafter reconveyed to said Henry H. Norvington as alleged in said Bill of Complaint and further has no knowledge or information save from said Bill of Complaint as to whether or not said Henry H. Norvington is now the sole and exclusive owner of said Letters Patent as alleged in said Bill and therefore deny the same.

United States Circuit Court  
District of Rhode Island

Henry H. Henningsen  
Complainant  
against

Defendant,

All Church National  
Bank.

Defendant,

Received, 18 1892

The name of the Church National  
Bank is the title of Complaint of Henry H.  
Henningsen complainant.

This defendant says, and reserving  
to itself all and all manner of benefit and  
advantage or exception that can or may be had  
or taken to the many errors, uncertainties and  
imperfections in said Bill of Complaint  
contained for reasons there is not so much  
as such parts thereof as the defendant is  
advised it is material or necessary for it to  
make an answer concerning any:

This defendant admits as incorporation as  
alleged in said Bill.

And the defendant further aversing  
the information and brief admits that Letters  
Patent of the United States were issued to the  
complainant Henry H. Henningsen on the 7<sup>th</sup> day

Circuit Court of the United States.

DISTRICT OF *Rhode Island.*

*Henry H. Torrington*

vs.

*Merchants National Bank.*

IN EQUITY.

To the Honorable the Judges of the Circuit Court of the United States in and for the  
District of *Rhode Island.*

*Henry H. Torrington of West Bay City,  
in the county of Bay and State of Michigan,  
and a citizen of said State of Michigan,*

bring & this his Bill of Complaint against *the Merchants National  
Bank, a national banking association duly  
organized and vested with corporate powers  
under and pursuant to the Acts of the  
Congress of the United States, and located  
and doing business at the city of Providence  
in the State of Rhode Island, and a citizen  
of the said State of Rhode Island.*





And thereupon your orator complains and says that heretofore, and prior to the  
*7<sup>th</sup>* day of *May*, A. D. 18 *78*

\_\_\_\_\_*your orator*\_\_\_\_\_

*was* the original and first inventor of a certain new and useful improvement in

*Bank - Check Books*

fully described in the Letters Patent hereinafter mentioned, which had not been known or used  
by others in this country, and not patented or described in any printed publication in this or any  
foreign country before *his* invention or discovery thereof, and not in public use  
or on sale for more than two years prior to *his* application for such Letters Patent.



And your orator further show *S* unto your Honors that, ~~the said~~

being so as aforesaid the original and first inventor of said improvement in \_\_\_\_\_

*Bank-check books, he* made application to the proper department of the Government of the United States for Letters Patent therefor, in accordance with the then existing Acts of Congress in that behalf, and that, having in all respects complied with the conditions and requirements of said Acts of Congress, and with the rules and requirements of the Commissioner of Patents, Letters Patent of the United States for said invention were, on the *7<sup>th</sup>* day of *May* A. D. 18 *78* issued to ~~the said~~

*your orator, the said Henry H. Worthington*

in due form of law under the seal of the Patent Office of the United States, signed by the Secretary of the Interior, and countersigned by the Commissioner of Patents, bearing date the day and year aforesaid and numbered *203,365*, whereby there was granted and secured to ~~the said~~ *your orator, and to his* \_\_\_\_\_

~~and to~~

heirs, administrators and assigns for the term of ~~seventeen~~ *ten* years from and after the date of said Letters Patent, the full and exclusive right and liberty of making, using, and vending to others to be used, the said invention and improvement set forth in said Letters Patent, as in and by said original Letters Patent, or a duly certified copy thereof, in court to be produced will more fully appear.





And your orator further show unto your Honors that after the granting of said  
Letters Patent as aforesaid, your orator  
became possessed of the whole right, title, and interest in and to said  
Letters Patent No.

and in and to the invention therein described, by virtue of proper mesne assignments in writing  
from the said

which said assignments have been duly recorded in the Patent Office, and your orator  
now invested with the sole right and title in to and under said

Letters Patent, as in and by said instruments in writing,  
conveying said Letters Patent, or duly  
certified copies thereof, in court to be produced will more fully appear.

*And your orator further shows unto  
your Honors that, after the granting of said  
Letters Patent, he sold and assigned certain  
rights in and under said Letters Patent,  
and that subsequently all said rights so by  
your orator conveyed were by a proper assign-  
ment in writing re-conveyed to your orator,  
and that said assignments have been duly  
recorded in the Patent Office, and that  
your orator is now invested with the sole  
right and title in to and under said  
Letters Patent, as in and by said instruments  
in writing or duly certified copies thereof in  
court to be produced will more fully appear.*



And your orator further aver<sup>S</sup> and show<sup>S</sup> unto your Honors that by virtue of the premises your orator became, and now *is* the sole and exclusive owner of said \_\_\_\_\_ Letters Patent and of all the rights and privileges granted and secured thereby.

And your orator further aver<sup>S</sup> and show<sup>S</sup> unto your Honors that the invention and improvement set forth and described in said \_\_\_\_\_ Letters Patent is of great utility, and that the trade and public have generally acquiesced in the validity of the said \_\_\_\_\_ Letters Patent, and recognized the rights of your orator in and under the same, and that, if your orator can receive lawful protection against infringers, the said \_\_\_\_\_ Letters Patent will be of great value to *him* and that great profits will accrue to *him* therefrom.





And your orator further aver that the said defendant , well knowing the premises, and the rights and privileges secured unto your orator , and contriving to injure your orator , and to deprive *him* of the profits, benefits and advantages which might, and otherwise would, accrue to *him* from the said \_\_\_\_\_ Letters Patent, and from the use of the invention set forth therein since the issue thereof and before the commencement of this suit, ha *S* , without the license and authority, and against the will of your orator , and in violation of your orator's rights, and in infringement of the aforesaid \_\_\_\_\_ Letters Patent, at *Providence in the said district of Rhode Island*

and elsewhere in the United States, made, used and vended to others to be used, large numbers of *bank-check books* \_\_\_\_\_

containing the improvement and invention described in said \_\_\_\_\_  
\_\_\_\_\_ Letters Patent No. *203,365* , dated *May 7, 1878* ,  
and recited in the \_\_\_\_\_

\_\_\_\_\_ claim thereof,  
and \_\_\_\_\_ intend *S* to continue, and *is* continuing so to do; but to what extent the defendant ha *S* made use of the said invention and improvement described and claimed in said \_\_\_\_\_ Letters Patent No. *203,365* , and how many *bank-check books* \_\_\_\_\_

embracing in their construction and operation the said invention, or substantial and material parts thereof, your orator do *de* not know, and pray *S* discovery thereof.



And your orator further aver<sup>s</sup> that the said defendant ha<sup>s</sup> received and enjoyed, and *is* still receiving and enjoying great gains, profits, and advantages from the unlawful use of the said invention set forth in said \_\_\_\_\_ Letters Patent, which might, and otherwise would have been obtained by your orator, and to which your orator is entitled; but how much exactly your orator doe<sup>s</sup> not know, and pray<sup>s</sup> discovery thereof.

And your orator further pray<sup>s</sup> that the said defendant may be compelled by a decree of this court to account for and pay over to your orator all such gains and profits as have accrued or arisen to, or been earned or received by, said defendant from the unlawful use of the said invention described in said \_\_\_\_\_ Letters Patent, and from infringement thereof, as aforesaid, and in addition to pay the damages sustained by your orator from such infringement.

And your orator further show <sup>s</sup> unto your Honors that the said defendant ha<sup>s</sup> had notice of said infringement, and ha<sup>s</sup> been requested to refrain and desist therefrom, but ha<sup>s</sup> refused so to do, and still continue<sup>s</sup> to make, use, and vend to others to be used,

\_\_\_\_\_ *bank-check books* \_\_\_\_\_

containing the invention and improvement secured by said \_\_\_\_\_  
\_\_\_\_\_ Letters Patent.

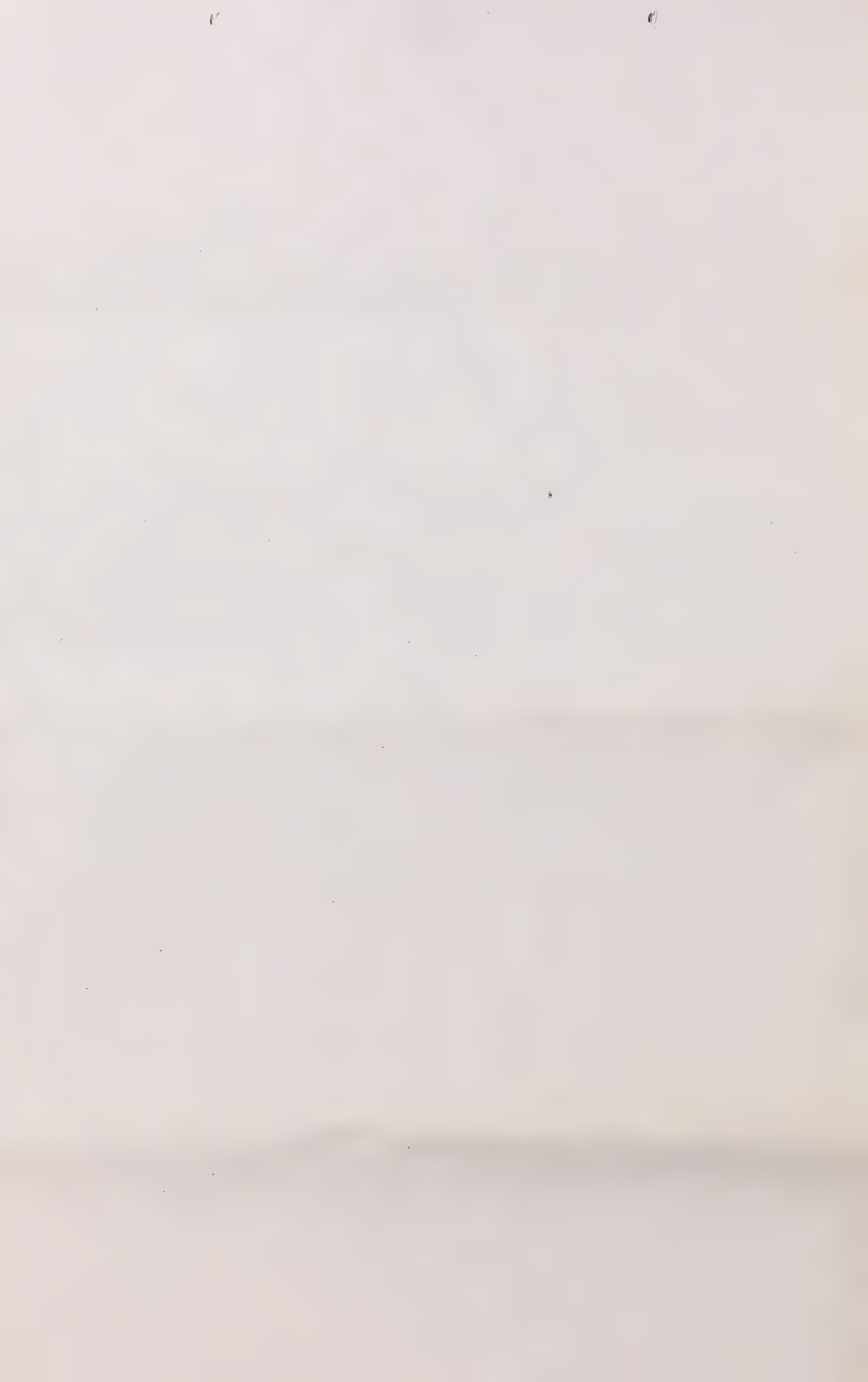




Forasmuch as your orator can have no adequate relief except in this court, and as said proceedings are contrary to equity, to the end, therefore, that the defendant may show, if *it* can, why your orator should not have the relief hereby prayed, and may upon *The* corporal oath *of its President, Cashier, or other suitable Officer* to the best and utmost of *its* knowledge, remembrance, information and belief, full, true, direct and perfect answer make to all and singular the premises, and the matters and things hereinbefore stated and charged, as fully and particularly as if severally and separately interrogated as to each and every of said matters, and as if the same were hereinafter repeated.

And your orator prays that the said defendant, *its* servants, agents, attorneys and workmen, and each and every of them, may be perpetually enjoined and restrained, by an injunction issuing out of, and under the seal of, this Honorable Court, from directly or indirectly making, using, or vending to others to be used, the said improvement and invention described and claimed in said \_\_\_\_\_ Letters Patent No. *203,365*, or any part thereof, or any *bank-check books*

made in accordance therewith; that said \_\_\_\_\_ Letters Patent may be decreed to be valid, and your orator to be the lawful owner of the same; and the manufacture, use, and sale by the said defendant an infringement thereof; and that the said defendant may be decreed to pay the costs of this suit, and that your orator may have such other and further relief as to this Honorable Court shall seem meet, and as shall be agreeable to equity.



And your orator further pray<sup>s</sup> that a preliminary or provisional injunction may be issued out of, and under the seal of, this Honorable Court, enjoining and restraining the said deferdant , *its* servants, agents, attorneys and workmen, and each and every of them, from further infringement of said \_\_\_\_\_  
Letters Patent during the pendency of this suit.

May it please your Honors to grant unto your orator not only writs of injunction conformable to the prayers of this bill, but also the writ of subpœna ad respondendum issuing out of, and under the seal of, this Honorable Court directed to the said defendant ,

*the said Merchants National Bank*

commanding *it* at a certain time therein to be named, and under a certain penalty therein to be limited, to be and appear before this Honorable Court then and there to answer unto this bill of complaint, and to perform and abide by such order and decree in the premises as to this Honorable Court shall seem meet, and may be required by the principles of equity and good conscience.

And your orator will ever pray, etc.

*B F Thurgood*  
*of counsel,*

*John A. Cunningham*





UNITED STATES OF AMERICA,

*Eastern*

DISTRICT OF

*Michigan*

} Ss.

At

*Bay City*

in said District personally

appeared

*Henry H. Worrington*

*Henry H. Worrington*

the complainant

above named, who being

duly sworn depose<sup>s</sup> and say<sup>s</sup> that the above bill of complaint is true except as to matters stated on information and belief, and as to those matters *he* believe<sup>s</sup> it to be true.

And deponent further say<sup>s</sup> that *he* verily believe<sup>s</sup> that ~~the said~~

*he was* the first and original inventor of the new and useful

*improvement in bank-check books*

set forth in the

Letters Patent granted to *him*

and recited in the foregoing bill of complaint, and further that *he* verily believe<sup>s</sup>

that *he* the said complainant above named, *is* the lawful owner of

said

Letters Patent.

*Henry H. Worrington*

Subscribed and sworn to

at said

*City of Bay City*

this

*twenty sixth*

day of

*January*

A. D. 1883

Before me,

*Thomas A. Meadock*  
Notary Public in and for  
Bay County, Michigan



# 20445

Henry C. Harrington

12.

Merchants National Bank.



Bill of Lading.

Shipped on board of the vessel  
Grand July 18<sup>th</sup> 1883  
between New York and New York  
returnable New York 5<sup>th</sup> 1883

Shipped of New York  
1886.

Genl. J. Harrington

Comptrolr's Office.

Proved